

## BOARD OF SELECTMEN

Minutes of the Meeting of 3 August 2005 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Whiting Willauer, Bruce Watts, Michael Glowacki and Brian Chadwick. Chairman Glowacki called the meeting to order at 7:40 PM following a meeting of the Board of Health.

### Announcements

Brian Chadwick acknowledged dedication of a bench in Sconset to honor the late Isky Santos, former selectman. Chairman Glowacki announced a Mosquito Forum to be held August 6, 2005 from 9:30 AM to 3 PM at the high school (changed from the UMASS Field Station). Sponsored by the Madaket Conservation Association, this free symposium is open to all residents interested in mosquito control and open marsh management.

### Public Comment

Wannacomet Water department manager Bob Gardner spoke on the recent increased water demand and requested voluntary limits on watering systems to maintain fire reserves and water pressure, noting that the dry spell warrants alternate day watering for the next 2-3 weeks.

Nantucket resident Steve Bender posed questions about grey water discharge in the harbor, the Boat Basin's position about same and the harbormaster's right to inspect all boats. Mr. Bennett moved to grant authority to Harbormaster Dave Fronzuto to board all vessels docked at private property for inspections. Mr. Fronzuto indicated that the Boat Basin, being private property, might be better approached via a request for more coordination to allow such inspections. He suggested Town Administration forward a letter to the Boat Basin to raise awareness as being a good first step. Some discussion followed about the matter of public comment and the Board's stated position of not taking immediate action on public comment; the Board's legal ability to grant authority to Mr. Fronzuto as presented; and the possibility of boarding to inspect boats via water access. It was agreed that Town Administration will pursue the matter further.

Howard Blittman introduced himself as the new chairman of the Advisory Committee of Non-Voting Taxpayers.

Approval of Minutes of 21 July 2005 at 4:00 PM; 20 July 2005 at 7:00 PM; 6 July 2005 at 7:00 PM. The Board unanimously approved the minutes of 6 July 2005 at 7:00 PM. The Board unanimously approved the minutes of 20 July 2005 at 7:00 PM as amended. The Board postponed approval of the minutes of 21 July 2005 at 4:00 PM due to Mr. Willauer's question about the status of an HDC appeal noted in those minutes.

Approval of Payroll Warrant for Weeks Ending 24 July 2005 and 31 July 2005. The Board unanimously approved the payroll warrants.

Approval of Treasury Warrant and Pending Contracts for Week Ending 3 August 2005. The Board unanimously approved the treasury warrant and pending contracts.

Public Hearing to Consider Amending the Town's Regulations for Use of Town-Owned Beaches to Include the Regulation of Kiteboarding (continued from 21 July 2005). Marine Superintendent/Harbormaster Fronzuto gave a brief review of activity since the original public hearing of July 21, 2005, noting that he had met with kiteboarders and Nantucket resident Lawrence Mannix regarding restrictions at Pocomo. He stated his recommended approval of three of four restrictions, not to include setting of time limits. Chairman Glowacki clarified that the first matter before the Board was to address the amendments to the regulations, after which restrictions specific to Pocomo might be taken up. Kiteboarder PJ Rubin questioned the legality of Item 8, which would give the Board authority to place restrictions on private property; Chairman Glowacki clarified that Town Counsel had provided required background to support this. After Board deliberation on

protecting public safety, Chairman Glowacki closed the Public Hearing. Mr. Watts moved to adopt the amended regulations as provided by Town Counsel. Mr. Bennett seconded and then requested an amendment to approve Items 1-7, and to exclude Item 8. Mr. Bennett and Mr. Willauer voted for the amended motion; Mr. Chadwick, Mr. Watts and Chairman Glowacki voted against.. Chairman Glowacki requested a vote on the original motion and Mr. Bennett and Mr. Willauer voted against it; Mr. Chadwick, Mr. Watts and Chairman Glowacki voted in support of the motion. So voted. On Chairman Glowacki's invitation regarding discussion of Pocomo restrictions, discussion followed from Mr. Fronzuto who again recommended adoption of Items 2-4, excluding time limits while Mr. Mannix spoke in support of keeping all four items. Board discussion followed on specific points and the ability to revisit restrictions as needed in the future. Mr. Bennett moved to approve restrictions 2-4, amending the 4<sup>th</sup> to indicate the correct reference numbers. Mr. Willauer seconded. So voted unanimously.

#### TOWN ADMINISTRATOR'S REPORT

##### FY 2007 Budget Projections: Terminology and Process.

Town Administrator Libby Gibson and Finance Director Connie Voges gave an FY 2007 Budget Presentation for informational and educational purposes, which included the following:

- What revenues / expenses are composed of
- Assumptions now and what to expect in September
- How the Free Cash Use Policy and Stabilization Fund Policy will be reflected
- Some discussion and explanation of what new growth is

Ms. Gibson noted next steps in the immediate future as indicated in the timeline to include further review of FY07 Budget Projections at the 7 September 2005 meeting of the Board of Selectmen, at which time final 2006 growth figures are expected and the tax rate should be set. Ms. Gibson stated that if the School Committee finds that there are more or differing details, the information is required by 31 August 2005 for inclusion in materials for the above-noted meeting. She further noted that any discussion of possible format changes or other requests regarding presentation of information is needed by 17 October 2005.

The Board expressed thanks for the presentation and Chairman Glowacki invited questions. Deputy Superintendent Robert Pellicone asked about staffing assumptions, insurance costs and longevity, to which Ms. Voges replied that projections were for the same number of positions, insurance based on the current plan, and gross salary figures were meant to include longevity. Mr. Pellicone proposed to alter the School Committee budget timeline to accommodate the Town Administration timeline and Chairman Glowacki acknowledged that synchronization would be helpful.

##### Request for Action Regarding Article 86 of 2004 Annual Town Meeting – Disposition of "Yard Sale" Parcels

(continued from 20 July 2005). Planning Director Andrew Vorce described the yard sale process, noting that Article 86 of the 2004 Annual Town Meeting gives the Board of Selectmen authority to apply criteria to proposals to carry out the sale. He added that changes in criteria at this point would necessitate a return to Town Meeting. He specifically noted that a 9 Rhode Island Avenue responder failed to meet the criteria in two respects: title is not corrected and their property is vacant. Mr. Chadwick moved to approve recommendations before the Board to dispose of the surplus parcels. Mr. Willauer seconded. Mr. Watts indicated the desire to abstain from the award of 9 Rhode Island Avenue. Chairman Glowacki suggested approval of the sale of Town-owned surplus properties excepting 9 Rhode Island Avenue to the proposers who were determined to be the most advantageous as indicated herein. So voted unanimously. Mr. Chadwick moved to award the 9 Rhode Island Avenue parcel to Elwood and Cynthia Johnson for \$11,143 as also indicated herein. Mr. Willauer seconded. So voted unanimously with Mr. Watts abstaining.

- 9 Rhode Island Avenue to Elwood & Cynthia Johnson for \$11,143
- 4 New Hampshire Avenue to J. Edward & Rebecca M. Odegaarde for \$10,001
- 5 Maine Avenue to J. Edward & Rebecca M. Odegaarde for \$10,001
- 12 Maine Avenue to Paul Sklarew & Barbara Braman for \$10,001
- Nichols Road to Jeffrey & Veronica Spruill for \$51,000
- 40B Shell Street, Siasconset, to Thomas E. Meehan for \$16,000
- Saccacha Avenue parcel to Linda Wisnewski for \$50,000

Ms. Gibson continued with the Town Administration response to a Finance Committee letter of July 19, 2005 to the Board of Selectmen regarding the Waste Options Nantucket (WON) contract. She provided background and addressed the three recommendations, namely a full audit of the expenses and payments to Waste Options Nantucket (WON) under the contract, renegotiation of the contract, and review by Town Counsel as to whether restitution should be sought from WON.

Ms. Gibson noted that the audit recommendation was unclear and that while not required in the contract the Town has previously requested one. Though WON declined, they did offer to meet with the Finance Committee to discuss the request. Ms. Gibson will refer last two items to Town Counsel for response for the August 17, 2005 meeting and asked that any more Board of Selectmen questions or information requests be provided by August 10.

Whitney Hall, Waste Options President, responded to issues raised by the Finance Committee, indicating a willingness to meet with the members as it continues to provide a professional public-private partnership.

#### SELECTMEN'S REPORTS/COMMENT

Action/Adoption of "Free Cash" Use Policy. Ms. Gibson introduced the policy as a response to one of the Board of Selectmen goals for 2005 and a desire to structure the use of free cash. Discussion followed on the exceptions amendment and the reasons for establishing such a policy. Mr. Chadwick moved to adopt the policy as drafted by the Town of Nantucket and amended by the Finance Committee to include the following:

Exceptions - Exceptions to this policy shall be made only after extraordinary circumstances and any such exceptions shall be explained to the voters in a statement written by the Finance Committee in the warrant for Annual or Special Town Meeting. Mr. Watts seconded. So voted unanimously.

Mr. Watts said he'd received numerous complaints about 40<sup>th</sup> pole and the use of the beach there. Police Chief Bill Pittman provided feedback and indicated a plan to address the situation, further suggesting a possibility of looking into solutions to daytime noise, now tough to arbitrate, via the next Annual Town Meeting.

There being no further business before the Board, the meeting was unanimously adjourned at 9:45 PM.

Approved the 17<sup>th</sup> day of August 2005.